

CAPTURE OF REPUTED INDIAN REFUGEES.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

The information required by a resolution of the House of Representatives of the 14th instant, in relation to the Pursuit, Capture, &c., of certain Indian Refugees and Murderers, within the limits of one of the United States.

JANUARY 22, 1839.

Read, and laid on the table.

WAR DEPARTMENT, January 21, 1839.

SIR: In compliance with the resolution of the House of Representatives of the 14th instant, calling upon the Secretary of War for information relative to the pursuit, capture, and execution of certain reputed Indian refugees and murderers, within the limits of one of the States, I have the honor to transmit, herewith, a letter of the Major General commanding in chief, dated the 19th instant, together with the report of the Adjutant General therein referred to.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. J. K. POLK,

Speaker of the House of Representatives.

HEADQUARTERS OF THE ARMY,

Washington, January 19, 1839.

SIR: I have the honor to lay before you, herewith, a report of the Adjutant General, containing all the information called for by the resolution of the House of Representatives dated January 14, 1839, which has been communicated to the headquarters of the army, in relation to the late pursuit and capture of certain reputed Indian refugees and murderers, within the territory recently relinquished by a part of the Cherokee tribe of Indians.

I have the honor to be, sir, your most obedient servant,

ALEX. MACOMB,

Major General, commanding in chief.

The Hon. J. R. POINSETT.

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ADJUTANT GENERAL'S OFFICE,

Washington, January 19, 1839.

SIR: The information called for by the resolution of the House of Representatives of the 14th of January, "in relation to the late pursuit, capture, and execution of certain reputed Cherokee Indian refugees and murderers," will be found, so far as it can be furnished from the files of this office, in the despatches of Major General Scott, and Colonel Foster of the 4th infantry, from which the following letters and extracts relative thereto are herewith annexed:

Extract from Major General Scott's letter to Colonel Foster, 4th infantry, dated

"HEADQUARTERS, EASTERN DIVISION,

"Athens, Tennessee, November 7, 1838.

"SIR: You are aware that within a week, on the Little Tennessee, in the mountains of North Carolina, a party of Cherokee prisoners rose upon the guard commanded by Lieutenant Smith, and killed two of his men, wounding a third.

"The individuals guilty of this unprovoked outrage must be shot down; and there is another object demanding equal and immediate attention, viz: the protection of the white families residing in that region, who are doubtless much alarmed (and may be in great danger) at this most unexpected spirit of hostility evinced by the fugitive Indians about them, by the murderers in question."

Colonel Foster, 4th infantry, to Major General Scott, dated

HEADQUARTERS 4th INF., CAMP SCOTT,

Near Joe Welsh's house, on Little Tennessee river,

November 15, 1838.

SIR: Learning by Captain Anderson's letter of the 10th instant that you were still at Athens, I write, hoping my letter may reach you there; if not, it will be mailed for Nashville. I shall, nevertheless, address you very early through the post office at Knoxville.

On the evening of the 12th instant, the regiment halted at this place, one hundred miles from the agency. Lieutenant Larned, with his mounted company, left here that morning for the Oconeelufy river, in pursuit of old Charley and his sons. Mr. Thomas was with him. Captain McCall, with company C, and two Indians for guides, left yesterday for the mouth of Deep creek, due east 16 miles from my camp. He was ordered to examine it to its source in the Laurel mountains. This creek rises directly north from its mouth. From its source, (twelve miles from its mouth,) the captain turns east, and his movement will combine with that of Lieutenant Larned, as the latter will turn west, when he has thoroughly examined the Oconeelufy river and all its branches.

Captain Morris, with company H, is also on detached service, and will examine the country bordering on the Tennessee river, and its branch the

Nan-tay-a-lee river, and the creeks entering into both streams, and which are not laid down upon the maps.

Lieutenants Prince and Graham, with companies D and K, have just returned from detached service without having completed their routes, being unable to proceed in consequence of the darkness created by the rain and fog, which in these mountains turns day into night; these companies will again march in the morning.

Without troubling you with petty details, I will remark that these five detachments, combined with a sixth and seventh under sergeants, all directed by competent guides, will make a perfect examination of a circle of thirty-five miles around "Joe Welsh's," the place of my present encampment, embracing the Little Tennessee, Tuck-a-segh, and Nan-tay-a-lee rivers, and the numerous creeks which enter into them from all directions.

I shall be able to accomplish *two* of the three objects with which I am charged in your instructions, I do not doubt, to your full satisfaction; one is already effected, over a space of *fifty* miles of this mountainous country, thinly settled by a poor and ignorant population: I mean the pacification and protection of these people, who will long regard the presence of the troops at this crisis a great blessing.

The third object with which I am charged (the collection of the outlying Indians in these mountains, other than the murderers) will be easily effected, inasmuch as they are few in numbers, and are starving. I have five—four men and one woman; the men are out with my detachments.

A fourth object of my duty, to satisfy the national honor as relates to this whole affair, shall be fully attended to, so far forth as is in my power, particularly as regards the "murders and the murderers."

The first object of my instructions, (the capture and punishment of the murderers of the two soldiers of the fourth infantry,) is, from the smallness of their numbers, and the nature of the country, yet doubtful; although, to use the language of another, there are "men upon their trail;" citizens, soldiers, and Indians are in pursuit, and these mountains can never again be a place of refuge to them. Old Charley and his sons John and Nan-tay-a-lee Jake, are supposed to have separated from the two others, Nan-tay-a-lee George and Lowan.

I am confident, general, that the report of General Eustis was substantially true, as regards the Indians in the mountains of North Carolina, while our subsequent information is as certainly erroneous. I do not believe there are one hundred souls in the country. I shall be more particular on this point hereafter.

I have not as yet been able to hear of a single straggler from any of the parties in movement for the West.

I send this communication to you at Athens, in the morning, to guard against your having left that place; however, I shall send a duplicate with my next to Nashville, via Knoxville.

Captain Morris has this moment entered camp with sixteen prisoners; to some of these people I have given promises, on conditions of service. Indeed, I do not doubt but that with time I could apprehend every Indian in the mountains; they are starving, and the inhabitants state are inoffensive and useful.

I am, sir, with high respect, your obedient servant,
WM. S. FOSTER, Col. U. S. A.

Colonel Foster, 4th infantry, to Major General W. Scott, dated

HEADQUARTERS 4th INFANTRY, CAMP SCOTT,

On Little Tennessee river, near Joe

Welsh's house, November 19, 1838.

SIR: I have the honor to report that I have *captured* (through the exertions of Mr. Thomas, the Oconeeluffy Indians, and Euchella's band, headed by himself,) two of the murderers of the soldiers of the 4th infantry.

The prisoners (murderers) are Nan-tay-a-lee Jake, the oldest son of Charley, and the Indian called Nan-tay-a-lee or Big George; these two men were the principal actors in the murder. I have also, as prisoners, old Charley's wife, the wife of George, and a little girl, the daughter of George.

Euchella's band, and the Oconeeluffy Indians, about forty in all, together with the mounted company (I) of the 4th regiment of infantry, are in close pursuit of the remaining murderers. There are three still out, but one of whom (Lowan) only was active in the murder. I have every reason to believe I can close my trip into the mountains effectively within a few days. The weather is extremely bad.

I am, sir, with high respect, your obedient servant,

WM. S. FOSTER,

Colonel United States Army.

Extract from Colonel Foster's letter to Major General Scott, dated

"HEADQUARTERS 4th INFANTRY,

"Camp Scott, on Little Tennessee river,

North Carolina, November 24, 1838.

"GENERAL: I consider my mission into the mountains of North Carolina as ended. Of the *twelve* individuals, prisoners, in the power of Lieutenant Smith, (when they rose upon him, and murdered two of his guard, and desperately wounded the third, and violently assaulted him with intent to kill,) I have captured *eleven*. Of the five males, three were "*punished*" yesterday evening by the Cherokees themselves, in the presence of the 4th regiment of infantry. *One*, from his extreme youth, I have with me, as well as all the females of the party.

"All the objects of your instructions have been fully complied with."

Extract from Colonel Foster's letter to Major General Scott, dated

"HEADQUARTERS 4th INFANTRY,

"Cherokee Agency, December 3, 1838.

"GENERAL: In my letter to you of the 24th ultimo, I stated that of the *twelve* murderers, *eleven* had been taken; and that of the *five* males, three had been executed by the Cherokees themselves, and also that *one*, from his youth, I had with me as prisoner. I have now to state that *old Charley* himself was finally captured, and executed by Wa-chu-cha and Euchella, at noon on the 25th ultimo, the day after I marched."

*Extract from Major General Scott's letter to the Adjutant General,
dated*

"HEADQUARTERS, EASTERN DIVISION,

"Utica, New York, December 28, 1838.

"SIR: Among the numerous communications found here to my address, was one from Colonel Foster, dated at the Cherokee agency, the 3d instant, accompanied by the papers A, B, C, D, and E. I enclose the whole to your office, and ask attention to them; they are of high interest. Colonel Foster has executed the instructions I gave him with his accustomed intelligence, judgment, and success."

Respectfully submitted.

R. JONES, *Adjutant General.*

Major General A. MACOMB,

Commanding in chief, &c.